

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAZZLING DIAM LLC,

Plaintiff,

24-cv-8023 (ALC)

-against-

GARFIELD REFINING, LLC

Defendant.

ORDER

ANDREW L. CARTER, United States District Judge:

On January 6, 2025, Defendant filed its initial Motion to Compel Arbitration and Alternative Motion to Dismiss. ECF No. 15. On January 16, 2025, Plaintiff filed a request for an extension of time to file a response to Defendant's motion and, the next day, filed an Amended Complaint as a matter of right pursuant to Fed. R. Civ. P. 15. ECF No. 19, 20. On January 30, 2025, Defendant requested a premotion conference regarding its anticipated filing of a renewed motion given Plaintiff's filing of the Amended Complaint. ECF No. 22. On February 2, 2025, Defendant responded to Plaintiff's letter. ECF No. 23. On February 7, 2025 Plaintiff filed its opposition to Defendant's motion. ECF No. 24. On February 11, 2025, Defendant filed a consent letter motion asking for an extension of time to file its reply to Plaintiff's opposition ECF No. 26.

Because Plaintiff has filed an Amended Complaint and Defendant anticipates filing a renewed motion in connection with the Amended Complaint, Defendant's initial motion at ECF No. 15 is **DENIED** as moot. *Roller Bearing Co. of Am., Inc. v. Am. Software, Inc.*, 570 F. Supp. 2d 376, 384 (D. Conn. 2008) ("[A]n amended complaint filed 'as a matter of course' pursuant to Rule 15(a) renders moot a motion to dismiss directed at the original complaint.") (citing *Chodos v. F.B.I.*, 559 F. Supp. 69, 70 n.2 (S.D.N.Y. 1982), aff'd, 697 F.2d 289 (2d Cir. 1982)).

Additionally, Defendant's request for a premotion conference (ECF No. 22) and consent letter motion for an extension to file its reply to its initial motion (ECF No. 26) are **DENIED**.

The Court **GRANTS** Defendant leave to file a renewed motion and the Parties are **ORDERED** to adhere to the following briefing schedule:

Opening: March 6, 2025

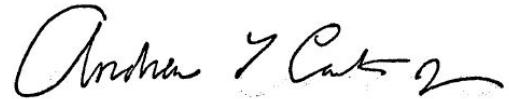
Opposition: March 20, 2025

Reply: March 27, 2025

The Clerk of the Court is respectfully directed to terminate the motions at ECF Nos. 15, 22, 26.

SO ORDERED.

Dated: February 13, 2025
New York, New York



ANDREW L. CARTER, JR.
United States District Judge